

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2004-205-C - ORDER NO. 2004-365  
SEPTEMBER 29, 2004

IN RE: Application of Image Access, Inc. d/b/a	)	ORDER DENYING
Newphone for a Certificate of Public	)	CONFIDENTIAL
Convenience and Necessity to Operate as a	)	TREATMENT
Reseller of Long Distance	)	
Telecommunications Services within the State	)	
of South Carolina.	)	

This matter comes before the Public Service Commission of South Carolina (the “Commission”) on the Application of Image Access, Inc. d/b/a Newphone (“Image Access” or the “Applicant”) for a Certificate of Public Convenience and Necessity to operate as a reseller of long distance telecommunications services in the state of South Carolina. Exhibit F to Image Access’ Application was submitted under seal as confidential and proprietary information. Exhibit F contains the financial statements, including income statement and balance sheet for the proceeding three years, of Image Access.

Public records are defined as official items of information within the files of the Commission which are available for inspection by the public. 26 S.C. Code Ann. Regs. 103-804(Y)(1)(Supp. 2003). Public records include financial, statistical, and other reports to the Commission in addition to any other filings and submittals to the Commission in compliance with the requirement of any statute, Commission order, rule or regulation. 26 S.C. Code Ann. Regs. 103-804 (Y)(1)(b)(Supp. 2003). S.C. Code Ann.

Regs. 103-834(3)(Supp. 2003) states, in part, that in a general rate establishment case, a balance sheet and a profit and loss statement representing a historic twelve-month test period shall be included in applications submitted to the Commission. Further, “any person has a right to inspect or copy any public record of a public body...” S.C. Code Ann. §30-4-30 (1976).

After reviewing Exhibit F to Image Access’ Application and the aforementioned law, we find that Image Access’ request that its financial statements be treated as confidential and unavailable to the public as a public record should be denied. Additionally, we hold that the review of the information contained in the Applicant’s financial statements is important for the examination of Image Access’ financial resources to provide telecommunications services to the public in South Carolina.

IT IS THEREFORE ORDERED THAT:

1. Image Access’ request that its financial statements, as contained in Exhibit F of its Application, be treated as confidential and proprietary is denied.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

/s/  
Randy Mitchell, Chairman

ATTEST:

/s/  
G. O'Neal Hamilton, Vice Chairman

(SEAL)